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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,622	02/14/2001	Frederik Ekkel	000117	2720

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EXAMINER

KANG, PAUL H

ART UNIT PAPER NUMBER

2141

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,622

Applicant(s)

EKKEK, FREDERIK

Examiner

Paul H. Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- a. Determining the scope and contents of the prior art.
- b. Ascertaining the differences between the prior art and the claims at issue.
- c. Resolving the level of ordinary skill in the pertinent art.
- d. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-13 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLain, US Pat. No. 6,493,758 in view of Taylor, US Patent No. 6,643,510.**

4. As per claim 1, McLain discloses the invention substantially as claimed. McLain teaches for use in an offline environment access to an information content that would otherwise be available except for being offline, a method of providing to an individual access to the information content (McLain, col. 2, lines 26-34), the method comprising:

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at a terminal, providing access over an information network to a repository hosting the information content (McLain, col. 3, line 40 – col. 4, line 53);

enabling to transfer the information content over the network from the repository to a mobile storage medium (McLain, col. 3, line 40 – col. 4, line 53); and

providing use of the information content from the storage medium to the individual in the offline environment (McLain, col. 3, line 40 – col. 4, line 53).

However, McLain does not explicitly teach the terminal being one of an airport, a spaceport, a boat dock, a train station, and a bus stop.

In the same field of endeavor, Taylor teaches a method of providing communication while traveling on an airplane or similar mobile platforms (See Taylor, Abstract and Summary). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a mobile platform such as an airplane into the offline viewing system of McLain since airplanes are a common form for travel, suitable for a offline internet viewing system.

5. As per claim 2, McLain-Taylor teach downloading the information content from the repository onto the mobile storage medium (McLain, col. 3, line 40 – col. 4, line 53).

6. As per claim 3, McLain-Taylor disclose providing an apparatus at the transit terminal to allow the individual to cause the transfer of the information content (McLain, col. 3, line 40 – col. 4, line 53).

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7. As per claim 4, McLain-Taylor teach the information network comprises the Internet (McLain, col. 3, line 40 – col. 4, line 53).

8. As per claim 5, McLain-Taylor teach transferring the information content is enabled over a wireless communication channel (McLain, col. 3, line 40 – col. 4, line 53).

9. As per claim 6, McLain-Taylor teaches the invention as claimed wherein the storage medium includes an Optical storage medium (McLain, col. 5, line 66 – col. 6, line 54).

10. As per claim 7, McLain-Taylor teach that the storage medium is provided to the individual when entering a means of transportation (McLain, col. 3, line 40 – col. 4, line 53 and Taylor, Summary).

11. As per claim 8, McLain-Taylor teach identifying the individual; upon identification, enabling the individual to select the information content from a plurality of information contents; and, downloading the selected information content onto the mobile storage medium (McLain, col. 7, line 32 – col. 8, line 36).

12. As per claim 9, McLain-Taylor teach enabling the individual enter identification information; selecting the information content based on the identification information; and, downloading the information content (McLain, col. 7, line 32 – col. 8, line 36).

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13. As per claim 10, McLain-Taylor teach that the information content is selected based on a profile of the individual (McLain, col. 7, line 32 – col. 8, line 36).

14. As per claim 11, McLain-Taylor teach charging a fee for transferring the information content (McLain, col. 3, line 40 – col. 4, line 53 and Taylor, background).

15. As per claims 12, McLain-Taylor discloses at a transit terminal, providing access over an information network to a repository hosting the information content; at the transit terminal, enabling to transfer the information content over the network between the repository and a mobile storage medium, (McLain, col. 3, line 40 – col. 4, line 53 and Taylor, Summary);

assigning a traveling location to the individual in a means of transportation (such as an assigned seat on an airplane), the means of transportation including the mobile storage medium; and, providing at the assigned traveling location an apparatus to enable the individual to access the information content (Taylor, col. 5, lines 54-67).

16. As per claim 13, McLain-Taylor discloses the information content is determined from a plurality of information contents on the basis of a profile of the individual (McLain, col. 3, line 40 – col. 4, line 53).

17. As per claim 19, McLain-Taylor discloses a method of providing information content to passengers of an aircraft, comprising: determining the information content that is of interest to the passenger, before the aircraft departs a terminal, transferring the information content from an

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information network to a storage medium, providing the information content from the storage medium to the passenger while the aircraft is in flight (McLain, col. 3, line 40 – col. 4, line 53 and col. 7, line 32 – col. 8, line 36 and Taylor, col. 5, lines 54-67).

18. As per claims 20, 21, 22, 23, 24 and 25, McLain-Taylor discloses determining the information content based on a predetermined profile that is associated with the passenger, transferring the information content automatically, equipping the aircraft with a storage medium, providing content and receiving information from user via network onboard, and providing a viewing device to the passenger (McLain, col. 3, line 40 – col. 4, line 53 and col. 7, line 32 – col. 8, line 36).

Response to Arguments

19. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. The applicants argued in substance that the prior art of record failed to teach downloading data from an information network to a repository. The new grounds of rejection teaches this feature.

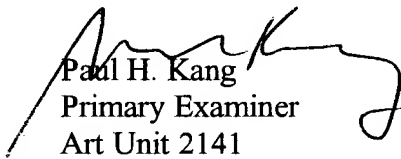
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul H. Kang
Primary Examiner
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